

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re: :  
SEYEDMOHAMMADALI ZAHRAEI, :  
 :  
Debtor. : Case No: 21-33378  
 : Chapter 13

**MOTION TO STAY CASE DISMISSAL BY CLERK TO ALLOW ENTRY OF  
JUDGMENT BY DEFAULT IN ADVERSARY PROCEEDING**

The Creditor Rahimeh Yousefi, by counsel, moves this court to stay the dismissal of this case by the clerk, pursuant to 11 U.S.C. §105. As her grounds in support thereof, Creditor respectfully states as follows:

1. On November 12, 2021, Debtor filed this chapter 13 case.
2. Debtor failed to reveal his pending divorce case filed prepetition on July 14, 2021, in the Circuit Court of Henrico County, Virginia, Case Number CL21-004791. Further, Debtor failed to list his wife as a creditor in his bankruptcy filing, despite the filing of her Answer and Counterclaim against him on August 6, 2021, demanding payment of the deferred mahr of 200 Bahar Azadi gold coins owed her under the parties' Islamic marriage contract. Further, Debtor failed to list his divorce lawyer or the law firm for either a debt or a transfer of money pre-petition.
3. Debtor has failed to file amended schedules correcting his misrepresentations after they were revealed on June 15, 2022.
4. Debtor filed three chapter 13 plans, drawing a total of 5 objections to confirmations. Debtor did not contest any of the objections to confirmation and none of Debtor's proposed chapter 13 plans were

confirmed. It appears this chapter 13 case and the chapter 13 plans were not filed in good faith.

5. On June 15, 2022, Creditor filed an adversary proceeding against the Debtor, which remains unanswered by the Debtor Defendant. An Entry of Default was docketed by the clerk on July 21, 2022. Creditor has incurred fees and costs to file and prosecute this adversary proceeding. A hearing on Creditor's motion for a default judgment is scheduled for August 17, 2022.
6. It appears Debtor would purposefully allow this chapter 13 case to be dismissed by the clerk for failing to file an amended plan, in order to avoid the consequences of his default.
7. Debtor has enjoyed the benefit of the automatic stay for 8 months, and thwarted his creditors with this bad faith chapter 13 filing.

WHEREFORE, Rahimeh Yousefi prays this court stay dismissal of this chapter 13 case by the clerk to allow for entry of a judgment by default against the Debtor in the adversary proceeding, and enter such other orders, processes, or judgments that are necessary or appropriate to carry out the provisions of Title 11.

RAHIMEH YOUSEFI  
By Counsel

Date: July 21, 2022

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PROOF OF SERVICE

I certify that I have this 21<sup>st</sup> day of July, 2022, served by ECF or first-class mail, postage prepaid this Objection on the following parties:

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